THE HON'BLE MR. JUSTICE V.V.S. RAO

TUESDAY, THE 20TH DAY OF DECEMBER, 2005

W.P.No. 26872 of 2005

Between:-

Smt. Venkatalaxmi and two others.

--Petitioners

And

The Sarpanch, Gram Panchayat, Ramayampet village & Mandal, Medak district and four others.

--Respondents

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W.P.No. 26872 of 2005

ORDER

The petitioners are wife and sons of one T. Ramulu, who died possessed of 144 square yards house site in survey No. 1675/2 of Ramayampet village and mandal, Medak district. It appears late T. Ramulu obtained permission of Ramayampet Gram Panchayat on 20-01-1960 for construction of compound wall. Subsequently, he approached the Gram Panchayat for construction of a residential house, which was accorded on 29-01-1978. The same was renewed by order dated 26-05-1985. All these years, T. Ramulu or after his death, his legal heirs could not complete the construction of the house mainly for two reasons. One N. Laxmi Narsamma, the wife of the then Sarpanch of the village late Hanmantha Rao, preferred revision before the District Collector and the Government against the permission granted by the Gram Panchayat. Ultimately, the Government of Andhra Pradesh, by order dated 29-07-1986 made in G.O.Rt.No.1038 Panchayat Raj and Rural Development (PTS.IV) Department dated 29-07-1986, rejected the revision petition filed by N. Laxmi Narsamma, the 3rd respondent herein. While permitting T. Ramulu to construct house in Block No.11, advised the 3rd respondent to approach the court of law for redressal regarding ownership dispute. N. Laxmi Narsamma thereafter filed a suit being O.S.No.54 of 1997 on the file of learned Junior Civil Judge, Medak, which was dismissed and her appeal being A.S.No. 4 of 2001 on the file of learned III-Additional District & Sessions Judge (Fast Track Court), Medak, was also dismissed on 29-01-2005.

It appears while the suit was pending, there was an order of stay prohibiting T. Ramulu and after his death, his legal heirs from making any construction. Therefore, the petitioners did not take up construction. After disposal of the appeal filed by the 3rd respondent, it appears, petitioners commenced the construction of the house. When the officials of the 2nd respondent interfered with the construction on the

ground that the petitioners did not have a valid permission, in this background the petitioners invoked the jurisdiction of this court under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondent Nos. 1 and 2 not to interfere with the construction undertaken by the petitioners.

This court has heard the learned counsel for the petitioners, who has taken this court with the relevant government orders and judgment of the District Court in A.S.No. 4 of 2001. He submits that the permission granted by the Gram Panchayat on 29-01-1978 is still valid by reason of renewal granted on 26-04-1985 and, therefore, the 1st and 2nd respondents cannot interfere with the construction of the house.

Learned standing counsel for the Gram Panchayat Sri Premsagar obtained instructions from the 1st and 2nd respondents, at the stage of admission itself. He submits that though initially T. Ramulu obtained permission in 1960, which was renewed in 1978 and 1985, no construction is taken up as on today. He further relies on Rule 27 of the Andhra Pradesh Gram Panchayat Land Development (Lay out and Building) Rules, 2002 (for short 'the Rules') and submits that any permission for building construction shall remain valid for a period of two years and if a person, who is not able to complete construction within the time of validity, has to seek revalidation by making appropriate application. The said Rule reads as under:

> **(27) Duration of Sanction**:- The permission for building construction shall remain valid for two years during which time the building construction shall be completed, and if not completed the permission for building construction shall be revalidated on application subject to the rules then in force and payment of the fees and charges as prescribed in the Schedule.

Learned counsel for the petitioners, having regard to the Rule 27 of the Rules, does not dispute the legal position. He, however, seeks leave of this court to approach the 2nd respondent with appropriate application seeking revalidation of the permission for building construction. As and when such application is made along with due payment of fee and charges, as prescribed in the schedule to the Rules, the Gram Panchayat has to consider the same and pass appropriate orders in accordance with the Rules. There shall be an order in similar terms. This exercise may be completed within a period of two weeks from the date of submission of the application for revalidation by the petitioners.

The writ petition is accordingly disposed of. No costs.

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V.V.S. RAO, J

20-12-2005

pvks/*

Nb:- Registry to furnish c.c. in three days.

B/o pvks/*